

Appl. No. 09/851,264
Amdt. dated October 8, 2003
Reply to Office Action of July 8, 2003

REMARKS/ARGUMENTS

Entry of the foregoing and further consideration of the subject application in light of the remarks that follow and consistent with 37 C.F.R. 1.111 are respectfully requested.

Applicants acknowledge the restriction requirement of the Office Action and the election of the Group II claims for further prosecution. The Group I claims, namely Claims 26-33, have been cancelled with Applicants reserving their right to file a divisional application directed to the non-elected invention.

The Title of the application has been changed as suggested in the Office Action. Claims 34 and 36-42 remain in the application. Claims 26-33 have been cancelled. Further, Claims 34 and 41 have been amended to correct an error in each claim. Applicants respectfully submit that the amendments to Claims 34 and 41 overcome the objections in the Office Action to those claims.

REJECTION UNDER 35 USC 103

Claims 34 and 36-42 stand rejected under 35 U.S.C. § 103 as being unpatentable over U. S. Patent 5,396,009 ("Verduijn-1") in view of U. S. Patent 5,064,630 ("Verduijn-2"). This rejection is specifically traversed as the invention, as set forth in Claims 34 and 36-42, is submitted to be patentable over the two Verduijn patents.

Verduijn-1 does not disclose or suggest making gallium-containing LTL zeolite with the dimensions specified in the Applicants' presently pending Claims 34 and 36-42. Instead, Verduijn-1 discloses processes for preparing aluminosilicate

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zeolite L of the disclosed dimensions by inclusion in the synthesis mixture of a divalent cation such as barium or magnesium. It is the presence of the cation, which allows one to produce an aluminosilicate zeolite having small and uniform dimensions.

Applicants have demonstrated in comparative Example C on pages 28-30 of the present application, a process for preparing a gallosilicate analogous to the processes of Verduijn 1, where magnesium cation is present in the synthesis mixture. Note that the resulting gallium-containing zeolite has a diameter ranging between 1.5 and 3 microns and a length ranging between 0.7 to 1.0 microns, well outside the parameters of the zeolite of the presently pending claims. But examples 9 and 10 of the present application, which utilize the same basic synthesis mixture without the divalent cation but with colloidal seeds, produce a gallosilicate zeolite having dimensions within those recited in the instant claims.

Applicants submit that this is evidence that one skilled in the art could not make gallium-containing LTL zeolite which has dimensions as set forth in the instant claims by following the teachings of Verduijn-1. Gallium-containing zeolites having larger average diameter and larger length are made when gallium is used for the aluminum taught by Verduijn-1. Thus, at best it can be said that, whereas Verduijn-1 may disclose aluminosilicate zeolite having particle dimensions within the scope of some of the instant claims, Verduijn-1 does not disclose or suggest gallosilicate zeolites having such dimensions.

Verduijn-2 does not cure the deficiencies of Verduijn-1. Verduijn-2 is merely concerned with making agglomerated of crystals of zeolite L having a three dimensional channel system. Verduijn-2 does not disclose or suggest gallosilicate zeolites having particle dimensions within the scope of the instant claims.

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It is accordingly Applicants' position that the present invention represents an advance over the two cited references in that Ga-LTL zeolite having the claimed dimensions is made, whereas no such product is made by the references. The claimed invention is not made obvious in view of the cited references.

Claim 40 stands rejected under 35 U.S.C. § 103 as being unpatentable over Verduijn-1 in view of Verduijn-2 and WO 91/06367 (Verduijn-3). This rejection is specifically traversed as the invention, as set forth in Claim 40, is submitted to be patentable over the three Verduijn references.

The deficiencies of Verduijn-1 and Verduijn-2 have been previously discussed and further elaboration of its deficiencies is believed to be redundant, except to reiterate that the two references do not disclose or suggest a Ga-LTL zeolite having particle dimensions within the scope of the instant claims. Verduijn-3 does not cure the deficiencies of Verduijn-1 and Verduijn-2. Verduijn-3 is not concerned with making Ga-LTL zeolite with the crystal dimensions set forth in the presently pending Claims. Withdrawal of this rejection is respectfully requested.

Applicants respectfully submit that Claims 34 and 36-42 are in condition for allowance and favorable action thereon is respectfully requested.

Respectfully submitted,

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